



# Legislative Research Council

## RULES REVIEW COMMITTEE AGENDA

Amended 11/1/2012

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Senator Jean M. Hunhoff, Chair  
Representative R. Shawn Tornow, Vice Chair

Three hundred twenty-sixth meeting  
Tuesday  
November 13, 2012

Room 414  
State Capitol  
Pierre, South Dakota

**Other DDN Site Locations:**

Northern State University  
1200 S. Jay St., Room Lib 117  
Aberdeen, South Dakota

Mitchell Technical Institute  
1800 E. Spruce, Room TC 155  
Mitchell, South Dakota

University Center  
4801 N. Career Ave., Room FADM 145  
Sioux Falls, South Dakota

Department of Transportation  
1306 W. 31<sup>st</sup> St.  
Yankton, South Dakota

**Agencies are asked to have a representative present at the meeting  
to give background information on their rules.**

9:00 a.m.\* Call to order, roll call, approval of minutes, staff report

Review of proposed rules

**Senator Hunhoff**

Department of Tourism: State Historical Society – Amend rules to set standard fees for services provided by the State Historical Society; revise the State Historic Preservation Office's review and handling of property tax moratorium applications; and alter when recipients of Deadwood Fund preservation grants from the State Historic Preservation Office must file the required preservation covenant for the grant.

**Representative Tornow**

Department of Education: Board of Education – Amend Early Intervention Program rules to align current state rules with the new federal requirements and amend a Requirement for Education Endorsement Program's rule to require individuals teaching Curriculum for Agriculture Science Education (CASE) courses to acquire Agriculture Education certification and complete state-approved national certification for CASE.

**Senator Buhl**

Department of Labor and Regulation: Division of Insurance – Amend a rule to change the name of the entity to which appeals are made.

Department of Revenue: Commission on Gaming – Amend Gaming rules to identify a fee for a gaming property owner license; allow the option for single-deck blackjack games to be paid at odds of at least six to five; and recognize a bonus bet for Pai Gow poker known as Fortune Pai Gow poker and to set forth the rules for the bonus bet.

Department of Revenue: Lottery Commission – Amend Instant Lottery Requirements rules to update definitions to standard industry terminology, allow for flexibility regarding identification features of bar codes and more clearly define a chain retailer, eliminate a subsection that is no longer needed, have the Commission conduct hearings on suspensions or cancellations of a retailer's contract, eliminate the requirement of an instant retailer to appear before the Executive Director for the purpose of rendering a final accounting and surrendering its lottery contract and lottery equipment, no longer require seasonal retailers to display promotional materials, change the words book to pack and spots to areas, describe the unplayable portion of an instant ticket, describe the requirements to be a valid instant ticket, define the options available to the Executive Director for replacing an invalid or defective ticket, describe drawing procedures if an instant game includes a drawing feature for prizes, and allow for the acceleration of prize payment under a certain circumstance; amend a Video Lottery Requirements rule to identify the bill denominations that may be accepted by a bill acceptor on a video lottery terminal; and amend On-Line Lottery Requirements rules to describe a terminal that is operated by a person and located at a retailer and to define an on-line game, describe the duties of an on-line retailer, identify the commission paid to an on-line retailer for each on-line ticket sold by that on-line retailer, describe the process to claim prizes for the largest prize category of an on-line game, outline the requirements for conducting the drawing of an on-line game, identify reasons for which the Executive Director may postpone or void a drawing and authorize a redrawing for an on-line game, authorize the Lottery to broadcast on-line game drawings on television, repeal the on-line Tri-West Lotto game, repeal the on-line Daily Millions Game, adopt changes to the Wild Card Game, repeal the on-line Cash 4 Life Game, repeal the on-line Rolldown Game, describe how play purchases must occur for an on-line raffle game, and describe the order in which winning numbers will be drawn in raffle games.

### **Representative Gibson**

Department of Public Safety: 911 Coordination Board – Amend rules to repeal surcharges procedures which are outdated under current law; make the State 911 Board the authority on accepting emergency medical dispatch programs rather than Law Enforcement Training; specify that all annual fiscal reports must be submitted to the State 911 Board by March 31st of each calendar year; address when 911 surcharge funds may or may not be used for communication equipment and physical addressing costs; and set forth the procedure for determining public answering points' compliance with rules to receive 911 funds as set forth in SDCL § 34-45-8.5.

Department of Social Services: Division of Economic Assistance – Amend rules to update payment standards regarding the Temporary Assistance for Needy Families program.

## **Representative Hunt**

Bureau of Human Resources: Civil Service Commission – Amend rules to bring the state's civil service system and the law enforcement civil service system into conformity with the legislature's adoption of House Bill 1028, SDCL §§ 3-6C, 3 6D, and 3-6F, and to allow the longevity payment to be paid within the pay period of which the employee's annual year of service date occurs.

Department of Labor and Regulation: Division of Labor and Management – Amend rules to revise the workers compensation fee schedule.

## **Senator Vehle**

Department of Game, Fish and Parks – Adopt an EMERGENCY rule to amend ARSD 41:06:01:11 to authorize the department secretary, following consultation with the chairman of the GFP Commission, to limit the sale of any big game hunting licenses remaining unsold in specific units following the first lottery drawing if the secretary determines there has been documented unforeseen deaths or illnesses of the big game animals within the respective hunting unit. *(This is an informational item only, no committee action is necessary.)*

Department of Game, Fish and Parks – Amend Mountain Lion Hunting Season rules to increase the total mountain lion harvest limit from 70 to 100 mountain lions and increase the female harvest limit from 50 to 70 female mountain lions; change the season start date from January 1 to December 26; allow any properly licensed hunter (both landowners and non-landowners) to hunt mountain lions outside of the Black Hills Fire Protection District from January 1 to December 31; close Custer State Park to mountain lion hunting except during established hunting intervals for 162 hunters who possess a valid mountain lion hunting license and a temporary access permit issued free of cost and by random drawing, and structured to include five hunting intervals (14-16 days in length) with each having 30 access permits (no dog hunting allowed) and three intervals (7 days in length) with each having four access permits (dog hunting allowed); and allow for the use of dogs during specified intervals in Custer State Park; and amend Black Hills Bighorn Sheep Hunting Season rules to establish a process for designating and issuing one bighorn sheep hunting license for auction.

Department of Game, Fish and Parks – Amend Park Licenses rules to increase the annual park entrance license fees; amend Camping Permits and Rules to add South Scalp Creek, White Swan and Walth Bay lakeside use areas to the list of areas that require a basic campground fee, increase the daily group lodge fee at Mina State Recreation Area and at Shadehill State Recreation Area and increase the daily group lodge fee at Lake Thompson State Recreation Area, Palisades State Park and Newton Hills State Park, and repeal ARSD §§ 41:03:04:09 and 41:03:04:10.01 and modify ARSD § 41:03:04:10 to establish one rule pertaining to campsite occupancy; amend License Forms and Fees rules that would increase the following nonresident license fees: Small Game, Shooting Preserve (annual), Shooting Preserve (1 day), Shooting Preserve (5 day), Waterfowl (10 day /annual), and Waterfowl (3 day); amend General Provisions rules that would repeal authorizing use of artificial lights while fishing with legal methods; amend Fishing Season rules that would amend the section pertaining to special management waters; amend Fish Limits rules that would repeal the rule which

provides that a one-day fishing licensee can possess no more than one day's limit of fish; modify ARSD § 41:07:03:03 (daily, possession, and length limit restrictions on special management waters) and in Lake Oahe, the daily limit for walleye, sauger, walleye-sauger hybrids, or combinations thereof is 8 and of the walleye taken daily no more than four may be 15 inches or greater in length, with a possession limit of 24; amend Snagging of Paddlefish rules that would remove transportation restrictions on paddlefish harvested during the May season on Lake Francis Case; amend Spearing rules that would repeal the rule section pertaining to the season and areas open to taking of catfish without limit, modify the rule section pertaining to areas open to spearing of game fish, and add language allowing a year-round season for take of catfish on the Missouri river system; amend Hoop Nets and Setlines rules to repeal the rule establishing the minimum length of catfish which may be taken by hoop net, trap, or setline, repeal the rule which prohibits use of baitfish and establishes specific types of bait which may be used on setlines, lengthen the season from May 1 through October 31 to year-round for all South Dakota inland waters open to hoop net or setline use, and expand areas on the mainstream Missouri River system open to use of hoop nets and setlines; amend Turtles rules to clarify that legal methods of taking turtles include "legal spears" and turtle traps; amend Bait (waters open to taking of bait) rules to change the heading of the rule section to "Waters closed to the taking of bait" and close certain waters to the commercial and noncommercial taking of bait by those methods listed in ARSD § 41:09:04:04; amend a Bait (seines, nets and traps limited) rule that would clarify that the department may issue permission to use seines, nets and traps larger than those specified in the current rule in association with the department's approval to stock public waters with white suckers for rearing and harvest; amend a Bait (transportation by dealers – inspection) rule that would repeal ARSD § 41:09:04:11; amend Bait (transportation of other fish by bait dealer) rules that would change the heading of the rule section (ARSD § 41:09:04:12) to "Transportation of bait and other fish by bait dealer" and add a provision which requires transportation equipment to allow for inspection of bait and other fish at all times; amend a Bait (records required) rule to provide bait dealers the option to prepare and maintain required records in an electronic format; amend Aquatic Nuisance Species rules to add certain species to the list of aquatic nuisance species and modify the current rules pertaining to watercraft restrictions and aquatic nuisance species inspections (ARSD § 41:10:04:03) by separating it into two rules.

2:00 p.m. Adjourn

\* Breaks will be at the call of the chair.

**NOTE: A copy of the proposed rules being reviewed at the meeting may be obtained without charge by contacting the department, board, or commission.**

**Members:** Senators Angie Buhl, Jean M. Hunhoff, and Mike Vehle; and Representatives Roger W. Hunt, Peggy Gibson, and R. Shawn Tornow.

**NOTE: *Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605/773-3251) in advance of the meeting to make any necessary arrangements.***



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